

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) Cause No. 1:19-CR-52
)
LARSON WUEST)

GOVERNMENT'S SENTENCING MEMORANDUM

Comes now the United States of America, by its counsel, Clifford D. Johnson, United States Attorney for the Northern District of Indiana, through Lesley J. Miller Lowery, Assistant United States Attorney, and files the government's Sentencing Memorandum. For the reasons that follow, the government submits that a 180 month sentence, the minimum that can be imposed for this offense, satisfies the purposes of sentencing under 18 U.S.C. §3553(a). In support of this position the government says the following:

NATURE AND CIRCUMSTANCES OF THE OFFENSE

On February 14, 2019, FBI Online Covert Employee (OCE) was conducting an undercover online investigation on Omegle. Omegle is a free online chat website that allows users to socialize with others without the need to register. Omegle randomly pairs users in one-on-one chat sessions where they chat anonymously using the names "You" and "Stranger". Omegle includes an option to include "interest tags" which allow the user to be paired

with someone with the same interest. The OCE entered "Kentucky" and "Indiana" as interest tags. The OCE randomly connected with users displaying the same interest tags. The OCE would then enter and send a message saying, *"dad here looking for other dads into the more taboo things in life kik me."*

The OCE then provided the Kik username the OCE was using. The OCE would then leave the Omegle chat room. On February 14, 2019, at 2:44 p.m. a Kik user with the display name "STEVEN SCOTT" and username "stevenscotty69" messaged the OCE on Kik and said:

"Yo, just saw you on Omegle. Taboo dad?"

The OCE then began chatting with stevenscotty69. stevenscotty69 said that he lived in Northern Indiana and was a 30 year old father of an infant son. The OCE told stevenscotty69 that he was a 33 year old male and the father of a 12 year old female. When stevenscotty69 learned of the OCE's purported 12 year old daughter, he stated:

"Is there any chance we could meet up? Maybe I could meet your daughter (wink smiley face)".

Stevenscotty69 said that he likes girls between the ages of 10 – 14 years old, but could go younger. Stevenscotty69 then began asking what kinds of sexual activity that the OCE had engaged in with his "daughter." Stevenscotty69 also asked the OCE for pictures of his "daughter."

The OCE sent a picture of a law enforcement officer (LEO) decoy.^[2] Stevenscotty69 also asked the OCE for nude pictures of his “daughter.” Stevenscotty69 then told the OCE that he could send images of “CP” (child pornography) to prove he is not a law enforcement officer. Stevenscotty69 then sent :

- *A photograph that shows a nude 13-15 year old female taking a naked selfie in the mirror. One of the female’s legs is up on the sink counter exposing her vagina.*
- *A photograph that shows a nude 13-15 year old female taking a naked selfie in the mirror. One of the female’s legs is up on the sink counter exposing her vagina, and she is holding three fingers up.*
- *A close up photograph of a vagina.*

Stevenscotty69 told the OCE that he received these photographs a few days prior from a girl he knew. These photographs were screen captures from an Instagram account belonging to a then 12 year old girl whose identity is known to law enforcement. The Instagram username was located at the top of the pictures. Stevenscotty69 then asked when the OCE would have his “daughter” next. The OCE and said Fridays works better for him. Stevenscotty69 told the OCE that he planned on kissing and engaging in oral and vaginal sex with OCE's 12 year old “daughter”. The chats between the OCE and stevenscotty69

span the period of February 14, 2019 at 2:44 p.m. through February 15, 2019 at 5:47 p.m.

In an attempt to identify the 12 year old girl, the OCE searched for that username on Instagram and located a user by that same name who indicated that she was in the 6th grade. The profile picture for this Instagram account is the same picture at the top of the Instagram screenshots sent to the OCE by stevenscott69. This 12 year old girl is from Auburn, Indiana. On March 5, 2019, an administrative subpoena was sent to Kik requesting subscriber information for the screen name “Steven Scott” and username “stevenscott69.” The response received from Kik identified the most recent and consistent IP address for the last 30 days as belonging to Frontier Communications. Investigation determined that the Kik account associated with this activity belonged to Wuest. Further investigation determined that Wuest worked at Crazy Pinz. Crazy Pinz is a bowling alley located on the north side of Fort Wayne, Indiana and is heavily frequented by teens. His Facebook profile also indicated that he attended Purdue University – Ft. Wayne. There was also a picture uploaded on or about June 14, 2016 that was tagged with Wuest’s name and that of his wife. His wife’s Facebook page had several pictures of herself and Wuest and showed the two to have an infant son.

As a result of this investigation, a federal search warrant was obtained for Wuest's residence and person. Those search warrants were executed on May 21, 2019. During the course of the search warrant, law interviewed Larson Wuest at Crazy Pinz located at 1414 Northland Boulevard in Fort Wayne, Indiana. After being advised of the identity of the interviewers and the nature of the interview, Larson was advised of his Miranda Rights. He advised that he understood his rights and agreed to speak with law enforcement. Wuest said that he created the account "stevenscott69" during a "bad mental breakdown" a few months ago. Wuest also said that he had been in contact with the OCE on Kik approximately 2 months ago. Wuest said that he was talking to the OCE about setting up a meeting with the OCE and his young girlfriend or daughter that Wuest believed to be 15 or 16 years old.

During the course of the conversation with the OCE, Wuest admitted that he sent the OCE nude images of a minor female he had met on Instagram. Wuest said that the nude images were obtained from the same Instagram username that appeared on the photographs sent by Wuest to the OCE. Wuest said that he believed that Instagram user to be a 13 or 14 year old because she told him her age. Wuest also believed his conversations with this minor female lasted approximately two days. Wuest requested that the minor female he met on Instagram send him nude photographs, specifically of her breasts, which

she did. The minor female sent Wuest approximately two to four photographs which included one video. The video was of the minor female, nude and repeating a phrase that Wuest had requested that she say. Wuest could not remember what the phrase was. He also said that he sent the minor female three to four photographs of himself which included one video of himself masturbating. A review of the photographs sent to Wuest by the minor female showed the photographs were of both her breasts as well as a distance photograph and close up photograph of her vagina.

Wuest went on to say that he got interested in child pornography when he was 18 years old and "stumbled" onto child pornography while searching "tor". "Tor" refers to the Tor network. Wuest said that he had gotten away from child pornography but recently got back into it. He also said that he began watching adult pornography and that this evolved into child pornography and that he would use search terms such as "Jailbait", or "15, 16, 17" year old juveniles. Wuest believed there may be images and or videos of teens on his laptop that was taken for forensic examination but not his phone.

HISTORY AND CHARACTERISTICS OF DEFENDANT

The charge to which Wuest has pled guilty represents his first conviction of any kind. By all accounts, Wuest had a more than normal childhood. He was raised in an upper middle-class, low crime neighborhood and attended Canterbury High School, a private school in southwest Fort Wayne. He attempted to attend college, but did not finish.

What is glaring clear from the presentence report is that Wuest has a long history of mental health issues. He has been diagnosed with major depressive disorder, bipolar I disorder, and anxiety. He has been in-patient in at least three mental health facilities in Indiana. He has had two admissions to the Northeastern Center. In May 2019 he was admitted after an overdose on pills and alcohol. In July 2019 he was again admitted after a suicide attempt left him in critical condition. He was later transferred to the Richmond State Hospital in October 2019 for further treatment and remained there until March 2020. All along the way, Wuest has been prescribed a varying cocktail of medications in an attempt to stabilize his condition. Even after being released from the Richmond State Hospital, Wuest attempted again to commit suicide in September 2020 by overdosing on Ambien pills. He was then taken to Parkview Behavioral Health when his mother became concerned about his behavior. From there, he was placed in a group home in December 2020 and remained there until February 2021. He then began

attending Park Center for self-help meetings and medication management. In short, it is clear that Wuest has struggled with psychiatric issues from quite some time.

**SENTENCE SHOULD REFLECT
THE SERIOUSNESS OF THE OFFENSE
& PROVIDE ADEQUATE DETERRENCE**

Notwithstanding his psychiatric challenges, there is no excuse for engaging in the type of sexual conversations Wuest did with a minor child, and even less excuse for asking that child to send you nude images. It is without argument that what Wuest did was heinous and serious. When you strip it all away, Wuest's actions amount to the blatant abuse of a child. Such conduct is more than deserving of a 180 month sentence. Despite the fact that 180 months is the minimum that can be imposed for this crime, it remains the government's position that such a sentence is appropriate sentence in this case. To reiterate, Wuest has spent *zero* time in jail or prison. He will also have to live more than a decade in prison with the daily stigma and treatment that typically accompany a conviction for a crime involving a child. Furthermore, Wuest has nearly his entire sentence to serve in federal prison as he has been on release in this case. For a person with no criminal history and no time spent incarcerated, a 180 month sentence is quite substantial.

While certainly serving the ends of punishment, such a sentence also

affords Wuest the time for the intensive psychological and psychiatric help that he continues to need. His record with mental health treatment makes clear that shorter durations of intensive therapy or in-patient therapy have not been able to address his issues. Once his mental health issues are under control, Wuest will have time to reflect on the heinousness of what he has done. He will be in his mid-40s once released and his experience should serve not only to deter him from future crimes but also serve as a cautionary message to anyone thinking it is not that serious to engage in this type of activity. Most people will think long and hard about how they interact online armed with the knowledge that they could lose *a minimum* of 15 years of their life for having this behavior.

In sum, given the totality of the facts and circumstances present in this case, a 180 month sentence satisfies the purposes of sentencing under 18 U.S.C. §3553(a).

WHEREFORE, for all of the foregoing reasons, the government asks the Court to impose a sentence of 180 months.

Respectfully submitted,

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